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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

MAR 29 1996

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In the Matter of )  
 ) PP Docket No. 96-17  
IMPROVING COMMISSION PROCESSES )

REPLY COMMENTS OF THE  
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

The National Telephone Cooperative Association ("NTCA") is a national association representing approximately 500 small and rural independent local exchanges carriers ("LECs") providing a variety of telecommunications services to interexchange carriers and subscribers in rural areas.

NTCA submitted earlier comments urging the Commission to reform its processes by reducing regulatory burdens while at the same time maximizing public participation in Commission proceedings through the use of modern communications tools. Most commenters agree with this approach and urge the Commission to institute changes that include electronic filing, electronic and prompt access to Commission documents and filings by the public, and Commission determination and publication of specific deadlines for acting on various petitions and applications which are not otherwise subject to statutory time limits. NTCA also made a specific proposal that all waiver requests be acted upon within 90 days of the completion of pleadings, and that petitions for review or reconsideration be acted upon within 180 days.

GTE Service Corporation ("GTE"), U S West Communications Inc. (US West), and the United States Telephone Association ("USTA") separately propose that the Commission modify

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and simplify its process for approving study area waivers required in connection with the acquisition of telephone exchanges.<sup>1</sup> US West suggests that the Common Carrier Bureau act on uncontested study area waivers within 15 days of the date comments and oppositions are due and on contested requests within 30 days of the due date for reply comments.<sup>2</sup> NTCA supports this position. There is an urgent need for elimination and/or simplification of the study area waiver process. NTCA members are usually on the buying end of transactions that require the waivers. Generally, they improve service to customers after acquiring an exchange. For them, delay in the process can impede the quick delivery of improved services that customers and the public expect following an acquisition. Once the business decision to purchase an exchange is made, expedition of the approval process is critical to the success of the venture. The public in rural areas stands to benefit from expedited procedures that facilitate operational decisions and reduce regulatory impediments and suffers when regulatory hurdles retard the companies' ability to move forward with construction or the delivery of improved services.

The Commission can ensure that the public interest is safeguarded with simplified procedures. In fact, the Commission long ago, tentatively concluded that the process should be reformed to better serve the public interest. Consequently, the Commission has pending a notice of proposed rulemaking ("NPRM") in which it proposed to revise the Appendix-Glossary to Part 36 by excepting purchased, sold, or merged exchanges from the definition providing for a freeze of study areas to include only exchanges within boundaries existing on November 15,

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<sup>1</sup> Comments of GTE at 4, US West at 10-11, and USTA at 7.

<sup>2</sup> US West at 11-12.

1984.<sup>3</sup> This NPRM also proposed simplified procedures that would permit study area boundary changes if the Commission did not stay, reject, modify or condition the proposed change within 60 days of receiving notice that the state approved a merger or sale or had no authority to do so. The NPRM should be revisited and acted upon. In keeping with the Commission's new forbearance authority under Section 401 of the Telecommunications Act of 1996,<sup>4</sup> study area waivers should be streamlined and US West's shortened 15 and 30 day approval period should be adopted instead of the proposed 60 day period. In addition to the proposed simplified procedures for mergers and acquisitions, the Commission should consider in that NPRM, rule changes that clearly indicate that study area waivers are not required to initiate or expand service to previously unserved areas or to subscribers outside the boundaries of study areas frozen in 1984.

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<sup>3</sup> *In the Matter of Amendment of Part 36*, (CC Docket No. 80-286), Notice of Proposed Rulemaking, 5 FCC Rcd 5974 (1990).

<sup>4</sup> Telecommunications Act of 1996, Pub.L. No. 104-104, 110 Stat. 56 (1996) .

In summary, NTCA supports regulatory reform measures that maximize public participation while reducing unnecessary burdens. Further, it specifically supports simplification of the study area waiver procedures to ensure quick deployment of services to rural areas.

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CERTIFICATE OF SERVICE

I, Gail C. Malloy, certify that a copy of the foregoing Reply Comments of the National Telephone Cooperative Association in PP Docket No. 96-17 was served on this 29th day of March 1996, by first-class, U.S. Mail, postage prepaid, to the following persons on the attached list:

  
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